NATIONAL CANNERS ASSOCIATION

INFORMATION LETTER

PUBLICATION OR REPRODUCTION NOT PERMITTED

No. 538 Washington, D. C. February 16, 1935

HEARINGS TO BE HELD ON FOOD LAW REVISION

A public hearing will be held, it is stated, on the bills now in the Senate Committee on Commerce, for the revision of the Food and Drugs Act. Two bills have been introduced and referred to that committee, one (S. 5) by Chairman Copeland, and the other (S. 580) by Senator McCarran. The hearings will be conducted by a subcommittee, the dates to be announced later.

A. A. A. AMENDMENTS INTRODUCED

Amendments to the Agricultural Adjustment Act proposed by Administrator Chester C. Davis and approved by Secretary of Agriculture Henry A. Wallace were introduced on February 12 by Chairman Ellison S. Smith of the Senate Committee on Agriculture and Forestry and Chairman Marvin Jones of the House Committee on Agriculture. The bills are S. 1807 and H. R. 5585, respectively. The text of the bills is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 8 of the Agricultural Adjustment Act, as amended, is further amended by striking out the semicolon in the first sentence thereof and inserting in lieu thereof the following: "and/or to be made in quantities of one or more agricultural commodities acquired by the Secretary of Agriculture pursuant to this title;"

Sec. 2. The first sentence of subsection (b) of section 12 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"In addition to the foregoing, for the purpose of effectuating the declared policy of the Act, the proceeds derived from all taxes imposed under this title are hereby appropriated to be available to the Secretary of Agriculture for (I) expansion of markets and removal of surplus agricultural commodities or products thereof, (II) the acquisition of any agricultural commodity pledged as security for any loan made by any Federal agency, which loan was conditioned upon the borrower agreeing or having agreed to cooperate with a program of production adjustment or marketing adjustment adopted under the authority of this title, and (III) the following purposes under part 2 of this title: Administrative expenses, rental and benefit payments, and refunds on taxes."

Sec. 3. Subsection (3) of section 8 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"(3) (A) After due notice and opportunity for hearing, and upon a finding by the Secretary that such action will tend to effectuate the declared policy of the Act, to issue licenses to processors, associations of producers,

and others engaged in the handling of any agricultural commodity or product thereof, or any competing commodity or product thereof, in the current of or in competition with or so as to burden, obstruct, or in any way affect, interstate or foreign commerce, which provide that such handling may be engaged in by the licensees only upon such terms and conditions not in conflict with existing Acts of Congress or regulations pursuant thereto, as may be necessary, (I) to eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy and the restoration of normal economic conditions in the marketing of such commodities or products and the financing thereof, or (II) to make effective any marketing plan set forth in any marketing agreement (or appendix thereto) signed by the persons handling not less than 50 per centum of the volume of the business done in the respective classes of industrial or commercial activity specified in such agreement, or (III) to make effective the marketing plan set forth in any proposed marketing agreement, on which a hearing has been held, whenever the Secretary, with the approval of the President, determines (a) that the refusal or failure to sign such proposed agreement by the persons handling more than 50 per centum of the volume of business done in any class of industrial or commercial activity specified therein, tends to prevent the effectuation of the declared policy with respect to the commodity or product covered by such proposed agreement, and (b) that it appears from said hearing that the issuance of such license is the only practical means of advancing the interests of the producers of such commodity pursuant to the declared policy. No license shall be issued pursuant to clauses (II) or (III) of the preceding sentence unless the terms and conditions thereof (a) have been set forth in an executed or proposed marketing agreement, as the case may be, or in an appendix thereto, and (b) are made applicable only to persons in the respective classes of industrial or commercial activity specified in such executed or proposed agreement. No license issued under this title shall be applicable to any producer in his capacity as a producer.

"(B) Any licensee under any license issued pursuant to this title, or any officer, director, agent or employee of such licensee, who violates any provision of such license, (other than a provision calling for payment of a pro rata share of expenses) shall, on conviction, be fined not less than $50.00 or more than $500.00 for each such violation, and each day during which such violation continues shall be deemed a separate violation. Provided, however, that no person shall be convicted under this title because of any violation (I) of any license or (II) of any obligation imposed in connection therewith, if such violation occurs between the date upon which such person files with the Secretary a petition, with respect to such license or obligation, as provided for in this subsection, and five days after the Secretary enters an order thereon.

"Any licensee may file a written petition with the Secretary of Agriculture stating that any provisions of any such license or any obligation imposed in connection therewith is not in accordance with law and he shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary of Agriculture with the approval of the President. After such hearing, the Secretary shall make an order which shall be final, if in accordance with law. The District Court of the United States in any district in which such licensee is an inhabitant or has his principal place of business is hereby vested with jurisdiction in equity to review such order, provided a bill in equity for that purpose be filed within 20 days from the date of the entry of such

order; service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the bill of complaint. If the court determines that such order is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (a) to enter such order as the court shall determine to be in accordance with law, or (b) to take such further proceedings as, in its opinion, the law requires."

Sec. 4. Section 8 of the Agricultural Adjustment Act, as amended, is further amended by adding thereto the following new subsections:

"(4) (a) All parties to any marketing agreements, and all licensees subject to a license, (whether such parties and licensees be corporations or others), shall severally, from time to time, upon the request of the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement or license has been carried out and/or has effectuated the declared policy of the Act, and, with such information as he finds to be necessary to determine whether or not there has been any abuse of the privilege or exemptions from the anti-trust laws, such information to be furnished in accordance with forms of reports to be supplied by the Secretary. For the purpose of ascertaining the correctness of any report made to the Secretary pursuant to this subsection (4) (a) or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, the Secretary is hereby authorized to examine any books, papers, records, accounts, correspondence, contracts, documents, or memoranda, within the control (I) of any such party to such marketing agreement, or any such licenses, from whom such report was requested and/or (II) of any person having, either directly or indirectly, actual or legal control of or over such party or such licensee and/or (III) of any subsidiary of any such party, licensee or person.

"Notwithstanding the provisions of Section 7, all information furnished to or acquired by the Secretary of Agriculture pursuant to this subsection shall be kept confidential by all officers and employees of the Department of Agriculture and shall be disclosed only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he is a party, and involving the marketing agreement or license with reference to which the information so to be disclosed was furnished or acquired; Provided, however, that nothing in this subsection shall be deemed to prohibit (A) the issuance of general statements based upon the reports of a number of parties to a marketing agreement or of licensees, which statements do not identify the information furnished by any individual, or (B) the publication by direction of the Secretary of the names of any persons violating any marketing agreement or any license, together with a statement of the particular provisions of the marketing agreement or license violated by such persons. Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office."

Sec. 5. Section 8 of the Agricultural Adjustment Act, as amended, is further amended by adding after subsection 5 thereof the following new subsection:

"(6) No marketing agreement or license shall contain provisions for establishing quotas or allotments limiting the amount of the commodity, covered by such marketing agreement or license, which may be purchased or in any other way received by all parties to such marketing agreement and by all licensees under such license from each of any classification of

individual producers, unless the Secretary first determines that such provisions are approved or favored (I) by at least two-thirds (2/3) of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of the commodity covered by and defined in such marketing agreement or license, or (II) by producers who, during such representative period, have produced for market at least two-thirds (2/3) of such commodity. The Secretary of Agriculture may at any time terminate or from time to time suspend the operation of any marketing agreement or license, or any provision thereof, and he shall terminate any marketing agreement or license, at the end of the then current production or marketing period for such commodity as specified in such marketing agreement or license whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of the commodity covered by and defined in such marketing agreement or license, provided that such majority have during such representative period produced for market more than 50 per cent (50%) of such commodity."

Sec. 6. Subsection (b) of Section 10 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"(b) The Secretary of Agriculture is authorized to establish, for the more effective administration of the functions vested in him by this title, state and local committees, or associations of producers, and to permit cooperative associations of producers, when in his judgment they are qualified to do so, to act as agents of their members and patrons in connection with the distribution of rental or benefit payments and in the administration of this title, shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing acts of Congress, and as will tend to promote efficient methods of marketing and distribution.

"Any license issued by the Secretary under this title may provide that each licensee thereunder shall pay to any authority or agency established under such license, such licensee's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find will necessarily be incurred by such authority or agency, during any period specified by him, for the maintenance and functioning of such authority or agency. Any such authority or agency may maintain in its own name, or in the names of its members, a suit against any licensee for the collection of such licensee's pro rata share of expenses and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy."

CAN OPENER MANUFACTURER ORDERED TO CEASE UNFAIR ADVERTISING

The Federal Trade Commission has issued an order requiring Scientific Products, Inc., which manufactures a can opener under the trade designation "Nu-Day Magnetic Can Opener," to cease and desist exaggerated and misleading representations in its advertisements with respect to the dangers of metal slivers in canned foods and to the efficiency of its opener in preventing such hazards.

Formal complaint against the can opener manufacturer was made by the Commission in May, 1934, and the cease and desist order resulted from a hearing held before the Commission the following June. The complaint was noted in the Information Letter for May 19, 1934. The order issued by the Federal Trade Commission follows.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the answer of the respondent, the testimony, the evidence, briefs and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to Create a Federal Trade Commission, to define powers and duties and for other purposes,"

It is now ordered that respondent, Scientific Products, Inc., a corporation, its agents and employes, in connection with the selling or offering for sale, or in aid of the sale of its certain product, to wit, "Nu-Day Magnetic Can Opener," in interstate commerce between and in the several states of the United States and the District of Columbia, cease and desist from representing in advertisements through magazines, newspapers, booklets, pamphlets, pictures, letters, circulars, testimonials or otherwise, that

(a) there has been discovered any "horrible" or real danger of metal slivers in food from opening cans and that such danger has been or can be eliminated by the use of respondent's said product, Nu-Day Magnetic Can Opener;

(b) that any "horrible" or real danger of sharp metal slivers falling into food has been revealed by any scientific tests;

(c) that a revolutionary new invention, to wit, respondent's said Nu-Day Magnetic Can Opener, vanishes obsolete can openers;

(d) that respondent's "remarkable" Nu-Day Magnetic Can Opener is or has been hailed as a safeguard to health and that said Nu-Day Magnetic Can Opener ends danger of metal slivers in food;

(e) from the circulation in interstate commerce of pictures describing or purporting to describe the dangers accruing to the public from the consumption of food eaten from cans opened by other can openers than respondent's Nu-Day Magnetic Can Opener, and by using in connection with said pictures any words, figures or phrases which represent or have a tendency to represent and convey to the reading and buying public the idea and belief that the eating of food contained in cans opened by can openers other than respondent's Nu-Day Magnetic Can Opener is attended by serious, real or potential danger by reason of jagged metal or other slivers or other foreign substances being deposited into the cans containing food when opened as aforesaid;

(f) from advertising in any manner whatsoever in interstate commerce that there is any serious patent and real danger to the consuming public from eating foods out of cans opened by can openers other than respondent's Nu-Day Magnetic Can Opener, and from advertising in any manner in interstate commerce false and exaggerated claims as to the alleged superiority of respondent's Nu-Day Magnetic Can Opener over other can openers being sold and delivered in interstate commerce.

It is further ordered that the said respondent shall, within sixty (60) days after the service upon it of a copy of this order file with the Commis-

sion a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth.

BILL TO INVESTIGATE SHELLFISH PESTS PASSES CONGRESS

The Senate on February 12 passed the bill, adopted by the House on February 4, appropriating $500,000 for the investigation, control and eradication of marine organisms injurious to shellfish in the Atlantic and Gulf states. The bill provides—

That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $500,000, or so much thereof as may be necessary, to enable the Secretary of Commerce to meet the emergency caused by the rapid increase and continuous spread of the leech, starfish, borers, and other pests injurious to oysters, clams, and scallops in the waters of the Atlantic and Gulf States, by conducting such investigations and experiments as may be necessary to determine the best methods of controlling these pests; by the immediate application of such measures of control as in his judgment may be effective, including payments for the removal of various pests of oysters, clams, and scallops in such amounts and under such regulations as he may prescribe.

ECONOMIC SECURITY BILLS AS THEY AFFECT CANNERY INDUSTRY

Canners have expressed a marked interest in the so-called Economic Security bills now pending in Congress. These are H. R. 4142 introduced by Mr. Lewis, H. R. 4120 introduced by Mr. Doughton, and S. 1130 introduced by Senator Wagner. All three bills are identical. The following is a summary of the essential provisions of these bills which affect the canning industry. Hearings are now being held and it is expected that some changes will be made.

Title I of the bill dealing with "Old Age Assistance" deals with payments to persons over 65 years of age, and the circumstances under which such old age financial assistance is to be given by the Federal Government.

Title II deals with "Dependent Children" and provides for payments through state agencies to dependent children.

Title III provides for taxes to meet the cost of old age annuities provided elsewhere in the Act. Sections 301 and 302 of Title III impose such taxes which fall on both employe and employer but are to be paid by the employer. The latter will deduct the employe's tax from the employe's wage. The taxes become effective on January 1, 1937. For the succeeding five years they will be one-half of 1 per cent of the employe's "wage," and the same percentage of the employer's "pay roll." They will be increased by ½ per cent for each five-year period thereafter up to January 1, 1957, when they will be 2½ per cent. The collection will be made by the Bureau of Internal Revenue through some device such as stamps, coupons, tickets, etc. Pay-

roll includes the total wages paid employes the greater part of whose duties are performed within continental United States, which is defined to exclude territories and possessions, or within the District of Columbia. Wages include every form of remuneration including salaries, bonuses, commissions, the value of payments in kind, etc., except for remuneration paid a non-manual worker employed at a salary exceeding $250 a month.

Title IV provides for "Unemployment Insurance." Under Section 601 an annual excise tax of 3 per cent of payroll is levied on each employer commencing January 1, 1936. The tax for 1936 shall, however, be only 1 per cent of payroll if the Federal Reserve Index of United States production for the year ending September 30, 1935, is not more than 84 per cent of 1923-25 level, and 2 per cent if the index is 84-95 per cent. Similar provisions are made for the 1937 tax except that in no event shall the 1937 tax be less than the 1936.

Payroll includes substantially the same as it does under Title III, outlined above, except that the remuneration involved is that paid employes substantially all of whose duties are performed within continental United States. It is not specifically provided that territories are excluded. Moreover, an employer is one who within each of 13 weeks within the year has employed at least four persons in employment subject to the Title; but he shall be deemed to employ persons employed by a subcontractor engaged in work which is a part of the employer's usual business, unless the subcontractor agrees to accept exclusive liability under the Act on account of such persons.

If a state employment insurance scheme is set up which complies with certain Federal requirements, an employer may credit against his Federal tax, up to 90 per cent thereof, the amounts which he pays the state or with which he is credited by the state. The latter credit is designed to allow for individual plans under state law, or for reduction of payments to states where an employer has regularized employment or upon such other conditions as a state law permits. A state plan, to be acceptable, must provide that payments to unemployed persons are made through public employment offices and that no person is denied payments because he has refused to accept work made available because of a strike, lockout or other labor dispute, or under conditions of work less favorable than those prevailing, or conditioned on interference with labor union affiliation. The Federal tax under this Title will also be collected by the Bureau of Internal Revenue.

There are several other Titles in the bill, but these do not impose taxes or directly affect the canning industry.

VEGETABLE SHIPMENTS CONTINUE SMALLER

Total shipments of fresh vegetables during the week ended February 9 were smaller than for the previous week and very much smaller than for the corresponding week last year. Snap bean and spinach shipments were larger than the very low level of the previous week but still well below last year.

Supplies of fresh tomatoes came entirely from foreign sources during the past two weeks, whereas a year ago two-thirds of the shipments originated in the United States. In spite of the very large increase in imports of fresh tomatoes, shipments during recent weeks have been only about half of those a year ago.

Shipments of green peas were the same during the week of February 9 as for the previous week, but considerably below the shipments at this time last year.

Carlot Shipments as Reported by the Bureau of Agricultural Economics, Department of Agriculture

Commodity	Week ended Feb. 9		Week ended Feb. 2	Total for season through Feb. 9	
	1934	1935	1935	1934	1935
Vegetables:					
Beans, snap and lima	204	157	79	4,915	1,900
Tomatoes	313	148	162	2,285	2,090
Green peas	124	83	83	899	600
Spinach	429	213	52	3,624	2,449
All other vegetables—					
Domestic—					
Competing directly	4,171	3,159	3,862	55,696	54,000
Competing indirectly	119	567	81	32,003	49,034
Imports—					
Competing directly	30	51	54	184	203
Competing indirectly	25	46	54	140	718
Fruits:					
Citrus, domestic	2,982	3,238	3,651	43,789	53,206
imports	14	2	2	450	66
Others, domestic	171	104	128	14,264	16,991
Index of fresh vegetables prices	..	86	82	..	..
Index of canned vegetables prices	..	92	92	..	..

TRUCK CROP PROSPECTS

The following statements briefly review recent releases of the U. S. Bureau of Agricultural Economics on the acreage and production forecasts of certain commercial truck crops:

SNAP BEANS.—Although the winter-crop acreage of snap beans in Florida is the same as in 1934, or 21,000 acres, yields per acre are expected to average only half as large as those of a year ago and production is forecast at 1,260,000 bushels compared with 2,520,000 bushels last year. This indicated production is only 9 per cent smaller than the five-year average (1929-1933) of 1,381,000 bushels.

BEETS.—The recent cold weather in Texas has reduced both the acreage

and the expected yield of beets well below the estimated acreage and the indicated yield of one month ago. The acreage is now reported at 6,000 acres which is 17 per cent below last year's acreage of 7,200. It is still considerably larger—about 13 per cent—than the average acreage for the preceding five years, 1929-1933. With an indicated yield per acre of 100 bushels, the production is now expected to be 36 per cent smaller than that of last year and 29 per cent smaller than the five-year average production, or 600,000 bushels forecast for this year compared with 936,000 bushels last year and a five-year average of 845,000 bushels.

GREEN PEAS.—There are 336,000 bushels of peas forecast for the early group of states (Arizona, California Imperial, Florida and Texas) indicating a decrease of 60 per cent below last year's crop of 835,000 bushels. Both estimated acreage and expected yields per acre are well below the 1934 acreage and yields.

SPINACH.—There are 5,710,000 bushels of spinach now forecast for the early group of states (California, Louisiana, South Carolina and Texas), or a crop almost one-fifth smaller than last year's production of 7,017,000 bushels and one-fourth smaller than the five-year average production of 7,677,000 bushels for the years 1929 to 1933. This expected production is 44 per cent smaller than that indicated a month ago due to the freeze damage in Texas and Louisiana. Texas, with about 95 per cent of the acreage reported for the early group states, has suffered a loss of about 48 per cent of the production indicated one month ago.

TOMATOES.—The 13,500 acres reported for the early crop of tomatoes in South Florida is 10 per cent smaller than the 15,000 acres grown last year (of which the product of 3,000 acres was taken by canners and deducted from the market crop as finally estimated). The 1934 acreage was the highest on record, however, and this year's acreage is one-fifth greater than the average for the five preceding years, 1929-1933.

FORECAST OF GRAPEFRUIT PRODUCTION

No change has been made in the January 1 forecast of Florida grapefruit production of 11,000,000 boxes, the U. S. Bureau of Agricultural Economics announced on February 12. This is nearly 3 per cent above the 1933 production of 10,700,000 boxes but is about 6 per cent below the average of 11,657,000 boxes for the five years, 1928-1932.

The condition and forecast of California 1934-1935 grapefruit production remains unchanged at 73 and 1,740,000 boxes, respectively.

Although the recent freeze damage to Texas unharvested grapefruit may amount to about 9 per cent of the total 1934-1935 crop, the forecast of the season's production has been raised to 2,460,000 boxes, or more than twice the production for the 1933-1934 season of 1,130,000 boxes, and nearly 69 per cent greater than the five-year (1928-1932) production of 1,457,000 boxes. The forecast exceeds all productions recorded, except the 2,480,000 boxes estimated as the 1931-1932 production.

WAGES UNDER DRIED FRUIT CODE

The Information Letter for February 2 reproduced an announcement of the NRA with respect to the Pacific Coast Dried Fruit Code in which it was stated that "in the states of Washington, Oregon and Idaho employes may be paid not less than 5 cents per hour below the established minima." The official copies of the code as published show that this statement appeared in the report upon the code submitted to the President by the NRA, but that the provision itself does not appear in Article IV of the code dealing with wages.

CANNED ASPARAGUS AGREEMENT HEARING SCHEDULED

A public hearing will be held on a proposed marketing agreement and license for canning asparagus grown in California on February 19, at the University of California, Berkeley, Calif.

The provisions of this agreement are generally similar to those of the license issued by the Secretary of Agriculture on March 2, 1934, covering the 1934 crop, with the exception of those provisions for limitation of pack. The 1934 license authorized the Agreement Control Committee to limit the pack of canned asparagus to a definite number of cases. The proposed marketing agreement provides for limitation of pack through correlation of part of the volume of asparagus to be canned with the volume permitted to be sold as fresh asparagus under the provisions of the marketing agreement for fresh asparagus, approved March 16, 1934.

FROZEN AND PRESERVED FRUITS IN COLD STORAGE

The following table shows the holdings of fruit in cold storage reported by the Bureau of Agricultural Economics as of February 1, also a comparison with last year and with a five-year average:

	Feb. 1 1935	Feb. 1, 1934	Five-year average
Apples:			
Barrels	505,000	501,000	979,000
Boxes	12,361,000	9,239,000	11,324,000
Baskets	6,933,000	5,680,000	5,812,000
Pears:			
Boxes	454,000	461,000	759,000
Baskets	23,000	76,000	53,000
Frozen and preserved fruits (pounds)	58,281,000	55,434,000	66,034,000

TO CANNERS WHO REPORT CONSUMER COMPLAINTS

Consumer complaints involving canned foods are still being received in large numbers. January's total exceeded that for the same period of last year by 49 per cent, and on account of present unsettled business conditions there is no prospect of a let-up in sight.

In reporting, and in subsequent correspondence regarding these complaints, it would be of great assistance if canners would send the Association all letters and other documents in duplicate or triplicate. It is frequently necessary to furnish the Association's investigators and attorneys with copies of such papers, and the clerical work involved has become very heavy.

If members of the Association are willing to cooperate in this matter, it will facilitate the maintenance of efficient service in connection with the handling of consumer complaints.

STUDY OF DISTRIBUTION DIFFERENTIALS AUTHORIZED

The National Industrial Recovery Board has authorized a special inquiry of existing and proposed code provisions dealing with distribution differentials affecting the channels through which goods flow from manufacturer to retailer.

Changes in distribution channels, development of new methods, and practices intended either to protect existing distribution facilities or to foster novel or special agencies have been increasingly important problems the Board states. Sufficient experience has developed under the codes, supplemented by studies and proposals made by interested parties, to permit a thorough study by the Administration. The survey is intended to show to what extent and by what policies the NRA can and should contribute to their solution.

Dr. Willard L. Thorp, chairman of the Advisory Council, has been designated to undertake the study.

He has stated that there are four main purposes of the inquiry:

1. To examine the nature of the alleged unfair methods of competition in this general field.

2. To consider the relevance of present code provisions to the basic problems as they appear.

3. To determine the degree to which devices now in codes are or are not operating in the public interest.

4. To formulate a definite policy for action.

DECISION ON SOAKED-PEA LABELING

The Supreme Court of the District of Columbia has just given out a decision, under date of January 16, 1935, in the Morgan case involving the labeling of canned soaked peas, in which it holds that soaked peas are a separate class of canned foods within the purview of the McNary-Mapes Act, and therefore not subject to the regulation that they be labeled as substandard peas.

This decision is in line with that of the U. S. District Court in Indiana, which on appeal was sustained in March, 1934, by the Circuit Court of Appeals for the Seventh District.

PRELIMINARY REPORT ON CANADIAN FRUIT AND VEGETABLE PACK

The Dominion Bureau of Statistics of Canada has issued a preliminary report on the pack of canned fruits and vegetables for 1934. The following figures are from this report:

Vegetables	1933 Actual Cases	1934 Actual Cases
Asparagus	46,650	56,498
Beans	306,820	389,961
Beets	31,438	28,789
Carrots	3,162	2,036
Corn	401,856	821,996
Peas	822,890	1,362,943
Pumpkin	87,903	(a)
Spinach	30,228	30,584
Tomatoes	1,659,856	1,994,969
Tomato juice	462,478	574,577
Tomato paste and puree	87,427	107,861
All other vegetables	1,131,416	34,074
Soups, all kinds	1,438,407	(a)
Catsup and sauces	(b)3,176,482	(b)13,525,980
Tomato pulp	(b)3,199,614	(b) 9,834,063

Fruits	1933 Actual Cases	1934 Actual Cases
Apples	230,704	(a)
Blueberries	30,812	59,848
Cherries	71,260	95,162
Peaches	161,615	155,319
Pears	394,374	411,814
Plums and prunes	135,716	42,718
Raspberries	19,684	44,200
Rhubarb	3,429	6,644
Strawberries	22,101	29,585
Loganberries	49,458	62,604
Apricots	10,934	46,235
All other fruits	71,188	911

(a) Not available. (b) Pounds.

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